

REMARKS

The foregoing amendments in independent claims 1, 8, 9 and 10 are intended to define the invention in a manner that more clearly distinguishes the present invention from the prior art, provides claim language directly and clearly related to the remarks previously presented by Applicants, and addresses the other specific comments by the Examiner in the pending final Office Action.

Each of these independent claims now makes it clear that the operation of the "information selecting section" provided in the information communication device performs its selecting of information on an on-going basis. These amendments are supported by at least the specification at page 35, lines 5-14.

Applicants respectfully traverses the rejection of claims 1, 4-10 and 33-39 under 35 USC 103(a) as unpatentable over U.S. Patent No. 6,631,247 ("Motoyama") when combined with U.S. Patent No. 5,414,496 to Aikens et al. ("Aikens"), and with respect to claim 34, in further combination with U.S. Patent No. 6,054,746 to Wong et al. ("Wong").

In the Examiner's "Response to Arguments," page 2, part 1 of the pending Action, the Examiner explains that "[b]ecause the events [e.g. a software crash for which Aikens provides an alert] are 'predetermined' in Aikens, they are 'selected.'" On page 3, second paragraph of the Action, the Examiner again cites Col. 5, lines 9-32 of Aikens which describes a situation where software on a device crashes and Aikens operates to save a "snapshot" of the state of the device at the moment when the software crash occurred.

Applicants argued in the Response filed on December 4, 2007, the conditions of the device at the time of the crash are fixed, or "predetermined," and therefore under this operating condition there can be no "selection" of data for transmission as mail or an attachment. The Examiner has focused on the word "predetermined," and argues that pre-setting conditions for a notification of a target device needing attention ("predetermination") is a "selecting" of conditions, and because the preselection can be

effected at the target device, there is “selecting” of data at the target device.

This analysis does not take into account that in the software crash scenario, there is no selection of data, and no selection of data for transmission. It equates Aiken’s sending of an alert when some pre-set limit or condition is reached at the target device with Applicants’ sending of data of two types by one of two modes, where the mode selected relates to the type of data. Put in other words, the present invention transmits data of one of two types, not merely a notice that some preset limit or condition has been reached. In still other terms, the pending claims relate to an on-going evaluation of device information for selection into one of two categories. In contrast, Aikens does not evaluate, categorize and select information in this manner, and certainly does not choose a mode of transmission based on any selection. If the Examiner cites Motoyama for multiple forms of transmission, there is still no selection of device information at the target device as claimed, and there is no use of that selection to determine a mode of transmission.

To make these distinctions clearer in the claims, the claims as amended all specify that the selecting, and transmitting based on that selecting, is “on-going.” It is not limited to a crash “snapshot.” It is not limited to transmission in only one selected mode of an alert. The present claims, as amended, are therefore believed to define clearly over the cited art.

The Examiner also argues that Applicants do not claim “events were data in a format different from the standard format of electric mail systems and are not viewed by means of generally-used mailers.” While Applicants find the phrase “events were data” difficult to understand, they do claim two types of format – standard email and attachments to email. Claims 33-35 detail these differences in the form of the data to be transmitted.

The Examiner also states that Applicants “did not claim the events are data obtained through conversion by a dedicated program.” First, Aikens reports crash

"events;" the pending claims do not refer to "events." Second, Applicants do expressly claim a "dedicated program" to produce and read attached data in claim 33.

With respect to claim 35, Wong describes privacy filters and encryption. However, the subject matter of claim 35 is combined with that of claim 1, and Wong does not overcome the deficiencies noted above with respect to claim 1.

In view of the foregoing amendments and Remarks, Applicants urge the claims define patentably over the art of record, whether taken alone or in combination, and that this application is otherwise in condition for allowance.

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Respectfully submitted,

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